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January 17, 1995

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Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Dear Sir or Madame:

Please find enclosed an original and eleven copies of formal comments on MM-Docket 94-130.

Please distribute this document to the appropriate parties and the Commissioners.

Thank you for your assistance in this matter.

Very truly yours,

Raymond F. Reich

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Comments regarding MM Docket No. 94-130 DOCKET FILE COPY ORIGINAL

Background

I have been a radio broadcaster for 26 years. I own three radio stations and am experienced in broadcast management, sales, programming and engineering. I also own and operate StationWatch, a monitoring service that provides off premise remote control monitoring of EBS and transmitters for over 80 radio station around the country. We have been providing this service for the past three years.

Working with over 80 stations from all size markets and with all different types of equipment, I feel that I am as competent as anyone in assessing the ramifications of the proposal to eliminate duty operators and licensed personnel at radio stations.

Overview

It is my feeling that the current proposal to eliminate the need for a duty operator at radio stations has not been totally researched and thought-out. I feel confident that if the duty operator requirements are dropped you will have thousands of radio stations operating outside of their licensed parameters for extended periods of time. At the very least they will be off the air with no station personnel aware that the station is off the air. This is certainly not

serving the public interest, necessity and convenience. You will also have stations broadcasting EBS (EAS) alerts without any staff person aware that an emergency exists that effects their community. Let us not forget that EBS is more than just a warning system. Much of the outstanding lifesaving efforts that radio stations have provided their communities in the time of disaster is the ongoing coverage and information they provide after the EBS system has been activated. Our radio stations had personal experience with this when our community was devastated by Hurricane Hugo. It was the on going coverage and communication with listeners during the disaster that allowed us to save lives and earned us commendations from the Governor of South Carolina and the President of The United States. With no duty operator in charge, it could be hours before any station personnel would even be aware that an emergency existed in their community.

The primary problems with the proposed rulemaking

1. Let me first address the issue of notification. In the proposed rulemaking the plan is that when something goes wrong at an unattended station, the ATS with the ability to dial out a pre-recorded voice message to a designated phone number would notify the designated person of the problem. There are several problems with this plan. First, with our experience of monitoring over 80 radio stations that use dial-up transmitter remote control units that are designed to call-out in the event of an over or under power condition, they simply don't work very reliably. With a voice dialer there is no

absolute confirmation that an alert was properly received by the designated contact. That is why the burglar and fire alarm industry several years ago abandoned such technology for their alarm reporting equipment. They use digital communicators that require expensive digital receiving equipment at the monitoring point. The design of the digital communicators assures that alarm conditions are properly transmitted and provides confirmation that the alert has been received at the monitoring point. This is the same technology that our StationWatch service uses in the equipment we build and provide to the over 80 radio stations we monitor. The equipment allows us to control and monitoring EBS alerts and silence sense alarms. Voice dialers as proposed in the rulemaking are simply not reliable and it would not be financially practical to use digital communicators as it would necessitate having a digital receiver at the home of every "designated contact person".

2. Another problem in the proposed rulemaking regards the statement that today's state of the art broadcast equipment is very stable and rarely needs adjusting. While this is for the most part true of transmitters that were manufactured during the past five to ten years, assuming that a power surge or lightning strike doesn't take out the circuits that provide the automatic monitoring and control. It has been my experience that these circuits, many which utilize digital technology are very susceptible to damage from power surges and lightning storms. When effected by such elements, they become totally inoperative many times leaving the transmitter running without any automatic control over power limits. Under the current regulations you have

an operator on duty taking periodic transmitter readings and these problems are quickly noted and can be resolved. Without a duty operator the problem could persist for hours or in the case of a weekend, for days. Another related is that of the over 11,000 radio stations licensed in the United States, many do not have state of the art equipment. Many continue to use transmitters that were first put in service in the 1950's and 1960's. These transmitters are not stable. Our StationWatch service takes over 400 transmitter readings every 24 hours. We check the our client station's transmitter readings every three hours. That's over 145,000 transmitter readings each year. As an inspection of our records will illustrate, many of the transmitters are not stable. Our operators make power adjustments quite frequently on many of the stations, including stations that have automatic power controllers on their transmitters.

The proposed rulemaking attempts to address these problems through the use of ATS (automatic transmitter systems). The problem with an unattended ATS is that no one will be alerted if the ATS fails. It is proposed that if the ATS cannot make automatic adjustments that it shut down the transmitter. Assuming that the ATS is functioning properly and it does turn the transmitter off, you now have a station off the air, not serving the public, with the possibility that no station personnel are even aware of the problem. On weekends a station could conceivably remain off the air from Friday evening until Monday morning with no action taken to correct the situation.

3. I also see numerous problems with the "designated contact person" concept. As mentioned in the proposed rulemaking, the Commission will have a very difficult time keeping up with the current contact person. Staff turnover in the radio industry is high and I doubt that an accurate up to date database can be maintained. But the problems go beyond that. Let's assume that the voice dialer does work in calling the designated person in the event of a problem. In reality how responsive is the "designated contact person" going to be when a machine calls them at 3 am advising them of a problem? Further, how will they receive the call when they are on vacation, at the store, at the movies, at church, etc. What you end up with is a radio station with no guarantee that anyone is in control or aware of any out of tolerance, off air or EBS (EAS) conditions. Is this serving the public interest, necessity and convenience?

Elimination of restricted permits:

Most broadcast engineers will tell you that the elimination of the third class FCC license many years ago was a mistake. While it didn't guarantee that the operator was totally competent to be in charge of a station and transmitter, it at least assured that they had an overview of the basic technical operation of a station. They knew how to operate EBS, knew how to read a transmitter meter and had a basic understanding of the applicable FCC rules and regulations. While the restricted permit is only a card that requires no knowledge to obtain, it does at least hold the person accountable for his/her actions. They know that they can be fined for operator infractions and in

situations of gross neglect could lose their permit. It holds them accountable to the FCC. Without it that accountability is lost. The premise that it is costly to issue restricted permits is difficult to understand. The current fee to obtain a restricted permit is $45.00. I can't imagine that this is costing the FCC money. In fact, at $45.00 it should be profitable. I assure you that a private company would welcome the opportunity to take over the responsibility of issuing restricted permits on behalf of the FCC for a fee of $45.00 each.

Summary

It is my opinion that the pressure put upon the FCC by the NAB and some broadcasters to allow unattended operation of radio stations has caused the FCC to propose relaxation of the rules to the point that many problems will be created. Certainly there is room for some relaxation of the regulations, but the proposed rulemaking swings the pendulum of change too far in the wrong direction. As I have already stated, I deal with the operators and the equipment of over 80 radio stations on a daily basis. When I told our staff of twelve operators that also deal with these stations each day what the FCC was proposing, they simply couldn't believe it. They too know how much attention is required to assure that a station is operating within it's licensed parameters. Broadcast stations cannot be treated like two-way radio repeaters. Not only do radio stations operate at much higher power levels with much greater chance for interference to other stations, but their main function is to serve their community. If there is no duty operator, you have no one person at a

specified location responsible. It has always been the job of that operator to assure proper compliance and response. To eliminate that person is to put the station on auto-pilot with no one in charge. The argument that unattended operation would relieve the financial burden of many struggling stations simply does not justify this proposed reckless action. Tremendous savings can be realized by a station by using a service like StationWatch. It assures that a licensed operator is on duty in charge of the station at a specified location. It assures that the station is operating within licensed parameters and provides response to EBS alarms, dead air and other alarms. The cost to a station is only $275.00 a month. That provides them monitoring twelve hours a day, every day of the month. That's less than seventy-five cents an hour to assure the station is on the air, operating legally and responsive to the emergency needs of the community. Several other companies offer similar services. Off-premise remote control services such as StationWatch are the answer to reduced operating costs for radio stations. The answer is not unattended operation with no one in charge. The relief that stations need is already available. Rule changes that limit the station's ability to serve the public and stay in compliance with FCC technical regulations is not the answer.

Respectfully submitted,

Raymond F. Reich

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